Co. v. *Sawyer,* 160 Mass. 413; *Stuart* v. *Live Stock Ins. Co.,* 38 N. J. L. 436. In the principal case a penalty is provided for non-compliance with the statute and this raises a point concerning which the courts are almost evenly divided, but while a great number hold that such statutes are nevertheless intended as a prohibition against doing business before compliance with the conditions and that contracts made without such compliance and in violation of the statute are none the less illegal and unenforceable, *State* v. *Briggs,* 116 Ind. 55; *Thorne* v. *Travelers' Ins. Co.,* 80 Pa. St. 15, 21 Am. Rep. 89; *Cary-Lombard Lumber Co.* v. *Thomas,* 92 Tenn. 587; *Aetna Ins. Co.* v. *Harvey,* 11 Wis. 398, the weight of authority seems to be that the penalty so prescribed is exclusive and that contracts of foreign corporations made without complying with the requirements of the statute may be enforced. *R. R. Co.* v. *Evans,* 66 Fed. 809, 31 U. S. App. 432; *Fire Ins. Ass'n* v. *Stave & Heading Co.,* 61 Ark. 1, 54 Am. St. Rep. 191; *Kindel* v. *Lithographing Co.,* 19 Col. 310, 314; *Fire Ins. Co.* v. *Whipple,* 61 N. H. 61; *Garrett Ford Co.* v. *Vermont Mfg. Co.,* 20 R. I. 189, 78 Am. St. Rep. 852; *Edison Gen. Electrical Co.* v. *Navigation Co.,* 8 Wash. 370, 40 Am. St. Rep. 910; *Toledo Fire & Lumber Co.* v. *Thomas,* 33 W. Va. 566, 25 Am. St. Rep. 925.

EMINENT DOMAIN—WHAT CONSTITUTES A PUBLIC USE.—The plaintiff sought an injunction to restrain the condemnation of a strip of land. The land was to be subsequently resold by the city with building restrictions to preserve light, view, appearance, etc., for an adjoining public park. The condemnation was authorized by statute and ordinance. *Held,* that the legislative acts were unconstitutional, the property not being taken for a public use. *Penn. Mut. Life Ins. Co.* v. *Phila.* (Pa. 1913), 88 Atl. 904.

The instant case may be distinguished from *Atty. Gen.* v. *Williams,* 174 Mass. 476, 55 N. E. 77, the leading case on the condemnation of the right to light, air, etc. In the latter case, the court allowed the taking of the easement alone, while in the principal case, the council attempted to go further and take the property itself. Were the decision based upon the ground that more was taken than was necessary, it would undoubtedly be sound. *Shawnee Co. Commrs.* v. *Beckwith,* 10 Kas. 603; *Taylor* v. *Balt.* 45 Md. 576; *Clark* v. *Worcester,* 125 Mass. 226; *Wash. Cem.* v. *Prospect Park and C. I. R. Co.,* 68 N. Y. 591. But the court reaches its conclusion by defining a public use to be an actual use, or a right to actual use by the public. What constitutes a public use is a question which has provided a great variety of answers. The decisions may, however, be divided into two general groups, those taking the position above stated, and those declaring a public use to be that use which inures in any way to the public benefit or advantage. An excellent note on the general subject, and full citation of authorities for each of the above positions will be found in 22 L. R. A. (N. S.) 20 et seq.

EVIDENCE—PUBLIC RECORDS—PRIVILEGED COMMUNICATIONS.—X took out a policy in the relator Insurance Co. A few months later he was committed to the Michigan Asylum for the Insane. Immediately thereafter the Insurance company filed a bill in chancery to cancel the policy, alleging that it had been secured by false and fraudulent representations. X died while suit was